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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,176	03/28/2001	Brian Christopher Vermeire	20118/13	3519

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EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,176

Applicant(s)

VERMEIRE ET AL.

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-28-2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 5,6,12,13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanungo (US 2003/0056215) (hereinafter Kanungo).
4. As per claim 5, Kanungo shows a virtual remote control for a system for accessing content over a network of computers, wherein the virtual remote control is software run by one of the computers on the network of computers, and wherein the virtual remote control comprises a channel scan function that allows a user to cycle through channels within a genre (e.g. page 4, paragraph 0060).
5. As per claim 12, it is rejected for the similar reasons as stated above.
6. As per claim 6, Kanungo demonstrates a virtual remote control wherein channel scan function also allows the user to cycle through channels for a genre, where only the channels having content and which have identified as one of the user's favorite channels are accessible by the channel scan function (e.g. page 3, paragraph 0046).

7. As per claim 13, Kanungo demonstrates the virtual remote control, further wherein the virtual remote control requires the user to choose a genre so that the channel scan function allows the user to cycle through the channels of the genre having content (e.g. page 4, paragraph 55).

8. As per claim 15, Kanungo teaches about a virtual remote control for a system for accessing content over a network of computers, wherein the virtual remote control is a software in one of the computers from the network of computers (e.g. page 3, paragraph 0047); and wherein a user of one of the computers can access units of content with the virtual remote control via a peripheral device connected to the computer, where the peripheral device can be a microphone, an infra-red controller which accepts commands from a traditional television remote control, or game pad e.g. page 3, paragraph 0048).

9. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Dunn (5,945,987).

10. As per claim 14, Dunn teaches a system for accessing content over a network of computers, the system comprising a plurality of favorites lists on one of the computers, wherein each user of the computer is assigned one of the plurality of favorites lists, and wherein each user can associate units of content to the favorites list of that user; (e.g. col. 7, lines 20-30); and wherein the system sorts the units of content associated to the favorites lists by genre (e.g. col. 7, lines 1-10).

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1,3,4,7-11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel et al. (5,961,603) (hereinafter Kunkel) in view of Kanungo.

13. As per claim 1, Kunkel teaches about a system for accessing content over a network of computers, the system comprising:

A database system that contains a mapping of a plurality of channel codes to a plurality of network addresses and a plurality of content descriptions, where each channel code comprises a genre code and a numerical code, and where each network address identifies a unit of content (e.g. col. 4, lines 40-50);

A content provider interface to the database system that allows content providers to enter the network addresses and the content descriptions into the database system for the units of content (e.g. col. 4, lines 45-55);

where the guide shows the contents descriptions for units of content and allows a viewer to select one of the channels for viewing through the network browser application (e.g. col. 4, lines 60-65).

Kunkel does not teach about a viewer interface to the database system, comprising a guide, a virtual remote control, and a network browser application on one of the computers connected to the computer network;

where the virtual remote control allows the viewer to access the units of contents through the network browser application by inputting a channel code or by selecting a

genre code and browsing through the channel codes of that genre code, wherein the virtual remote control is independently displayed from the network browser application. Kanungo teaches about a viewer interface to the database system, comprising a guide, a virtual remote control, and a network browser application on one of the computers connected to the computer network (e.g. Figures 3a and 3b); where the virtual remote control allows the viewer to access the units of contents through the network browser application by inputting a channel code or by selecting a genre code and browsing through the channel codes of that genre code, wherein the virtual remote control is independently displayed from the network browser application (e.g. page 1, paragraph 0010).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kanungo and Kunkel because it would provide for an easier and more familiar method to access the contents of the database using a virtual remote control running inside a browser screen. Moreover, the browser window would provide for easy to understand content channel codes.

14. As per claim 8, it is rejected for similar reasons as stated above.
15. As per claim 9, it is rejected for similar reasons as stated above.
16. As per claim 10, it is rejected for similar reasons as stated above.
17. As per claim 3, Kunkel does not show a system for accessing content comprising a plurality of themes, where the user can choose one of the themes and the user interface is altered to match the chosen theme. Kanungo demonstrates a system for accessing content comprising a plurality of themes, where the user can choose one of

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the themes and the user interface is altered to match the chosen theme (e.g. page 3, paragraph 0050). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kanungo and Kunkel to provide for a system whereby the contents of the page changes in order to provide easier and more favorable access to the user for the contents of the network.

18. As per claim 4, Kunkel does not show a system for accessing content further comprising:

A speech recognition module, for accepting spoken commands from the viewer;

Wherein the speech recognition module and the speech synthesizer module are interfaced with the guide, the virtual remote control and the network browser application of the viewer interface; and

Wherein the viewer can interact with the guide, the virtual remote control and the network browser application through the speech recognition module and the speech synthesizer module. Kanungo demonstrates A speech recognition module, for accepting spoken commands from the viewer (e.g. page 2, paragraph 0037);

Wherein the speech recognition module and the speech synthesizer module are interfaced with the guide, the virtual remote control and the network browser application of the viewer interface (e.g. page 3, paragraph 0051); and

Wherein the viewer can interact with the guide, the virtual remote control and the network browser application through the speech recognition module and the speech synthesizer module (e.g. page 2, paragraph 0037). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kanungo and

Kunkel to provide for a system whereby content could be accessed with a virtual remote control that would respond to voice commands.

19. As per claim 11, it is rejected for similar reasons as stated above.

20. As per claim 16, it is rejected for similar reasons as stated above.

21. As per claim 7, Kunkel does not specifically teaches about accessing content wherein the Internet Domain Name System is not accessed in providing the use with units of content. Kanungo shows a system for accessing content wherein the Internet Domain Name System is not accessed in providing the user with units of content (e.g. page 5, paragraph 0081). The API native java code is used to get content and the code does not rely upon the Internet Domain Name System. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kunkel and Kanungo to provide for access to content of the network not using the Internet Domain Name System.

22. Claim 2,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel and Kanungo as applied to claim 1 above, and further in view of Coffee et al (6,115,680) (hereinafter Coffee).

23. As per claim 2, Kunkel and Kanungo do not specifically show a system for accessing content, further comprising a tracking module coupled to the computer network and in communications with the viewer interface, for tracking statistics on the viewing habits of the user. Coffee demonstrates a system for accessing content, further comprising a tracking module coupled to the computer network and in communications with the viewer interface, for tracking statistics on the viewing habits of the user (e.g.

col. 1, lines 43-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kunkel, Kanungo and Coffee to provide a system whereby the viewing habits of the user accessing the contents of the network to be monitored and analyzed.

24. As per claim 17, it is rejected for similar reasons as stated above.

25. As per claim 18, it is rejected for similar reasons as stated above.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,945,988 to Williams et al.

US Patent No. 5,893,095 to Jain et al.

US Patent No. 5,977,964 to Williams et al.

US Patent No. 5,706,507 to Schloss.

EP No. 1 008 933 A2 to Sun Microsystems, Inc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

fm



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SUPERVISORY PATENT EXAMINER
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